

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

| FOR OFFICIAL USE ONLY | |
|---------------------------|----------|
| SSD 202 0 - 13 | |
| Acceptance Date: | 10.14.19 |
| Website Posting Date: | 10.15.19 |
| Determination Date: | 10.14.19 |
| Planning Commission Date: | N/A |
| Expiration Date: | 10.14.20 |
| Planner Assigned: | SK |

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

| Applicant Information | |
|---|---|
| Applicant: | Brendan McKenny |
| Mailing Address: | 3990 Ardview Lane Eureka Calif 95501 |
| Phone: | 707 498 7681 cell |
| Email: | brendanmckenny@gmail.com |
| Applicant's Status: (Check one) | |
| <input checked="" type="checkbox"/> Owner of the Property | (Holder of at least 75% of the equitable and legal title) |
| <input type="checkbox"/> Lessee of the Property | Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization. |
| <input type="checkbox"/> Authorized Agent | Attach Letter of Authorization |
| Transmittal Date: | 10-10-2019 |

| Project Information (attach additional sheets, if necessary) | |
|---|---|
| County Zoning District: | Resort |
| Tax Map Key(s): | 2-8-016-007-0016 |
| Land Area: | |
| Nature of Development: (Description of proposed structure or subdivision) | Remodel interior of Condo 216 Located on 3 rd level of building 34. New Kitchen, and bathroom complete with new appliances, fixtures, paint, flooring, lighting and switches. |

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

1. Property is Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
2. Property is Not Abutting the Shoreline
 - X Proposed project's approximate distance from shoreline (based on aerial map): 475 ft.
3. Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: -0.9 ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html)
 - X Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

2 parcels 428016003 and 28016002 and Poipu Beach Rd.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Gradual slope up from Poipu Beach Road to building 34

Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Sandy Beach

Artificially armored Shoreline

If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

Is the armoring permitted/authorized? _____

Date of authorization (attach copy of authorization letter): September 13, 2019 Flood review letter approved?

Is property in coastal floodplain (if checked, what zone)? Zone AE

Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

Separation by Poipu Beach Rd and parcels 428016003 and 28016002

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

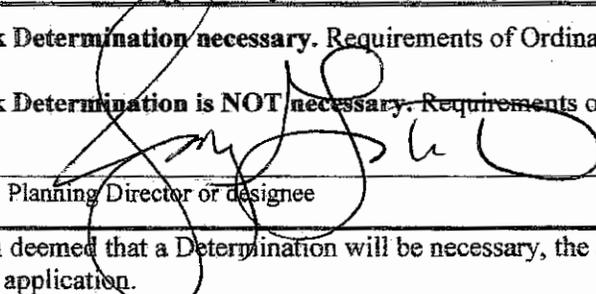

Signature

10-2-2019
Date

Applicability (to be completed by Planning Department)

Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.


Planning Director or designee

10.14.19
Date

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))

An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.

A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage,



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

(A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;

(B) The repairs DO NOT constitute a substantial improvement of the structure; and

(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

10-14-19

Date

Additional comments/conditions:



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

setbacks and measurement details, fences, gates, and walls, etc.
X Building Permit Number (If building plans submitted) 19-1796



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

September 13, 2019

Brendan McKenny
McKenny Family Revocable Living Trust
3990 Andrew Lane
Eureka, CA 95501

Subject: BUILDING PERMIT APPLICATION NO. 19-1796
TMK: (4) 2-8-016-007 Po`ipū, Kōloa, Island of Kauai

Dear Mr. McKenny,

We reviewed and approved the above-referenced building permit application for the proposed improvements to Unit 216 in Building 34 of the Kiahuna Plantation Resort. There are 10 units in building 34. We offer the following comments in regards to flooding:

Based on panel number 1500020314F of the Flood Insurance Rate Maps (FIRM) dated November 26, 2010, the existing building is located in a "Special Flood Hazard Area" (SFHA). The structure is located in Zone AE, which represents flooding by the 1% annual chance flood. The corresponding base flood elevation is 8 feet above mean sea level (MSL).

New construction located within the SFHA **must** comply with the County of Kauai's Floodplain Management Ordinance No. 831. However, structures built prior to November 4, 1981 are considered "Pre-FIRM" or "grandfathered" and a building permit application for the structure can be approved if the improvement is considered an "unsubstantial" improvement. According to the County's Real Property Tax website (www.kauaipropertytax.com), this building was constructed before 1981; therefore, it is considered a Pre-FIRM or grandfathered structure.

To determine if the improvement is considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the building before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the building permit can be approved. If the ratio is greater than or equal to 50%, then the building **must** be brought into compliance with floodplain management regulations.

Market Value

Since there were no building permits for Building 34 within the past 10 years, the market value is taken to be the 2019 assessed building value, reflecting a replacement cost new less depreciation (RCNLD) as determined by the County's Real Property

www.kauai.gov

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Assessment Division. According to Real Property, the market value of the building is \$1,917,500. Fifty percent (50%) of this is \$958,750 (or \$1,917,500 divided by 2).

Cost of Improvements

The total valuation for the proposed improvements under building permit application number 19-1796 was determined by the Building Division to be \$50,000. Since the total cost does not exceed 50% of the market value, the improvement is considered unsubstantial and the building permit can be approved for flood review.

If any unpermitted work has been done, or if there are modifications to this application, our determination **shall** be considered **void** and the structure **must** be re-evaluated for substantial improvements. Such re-evaluation may require revision of the permit and may subject the property to additional flood requirements.

Summary

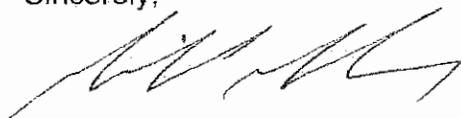
The cost of improvements compared to the market value is summarized as follows:

| | | |
|---|---|----------------------------------|
| Cost of Improvements: \$50,000 | = | 0.026 or 2.6% |
| Market Value (Real Property): \$1,917,500 | | |
| Remaining Balance (50% of MV-Cost): | = | \$958,750 - \$50,000 = \$908,750 |

The remaining balance of unsubstantial improvements is \$908,750 for the 10 year term that ends in September 2029.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



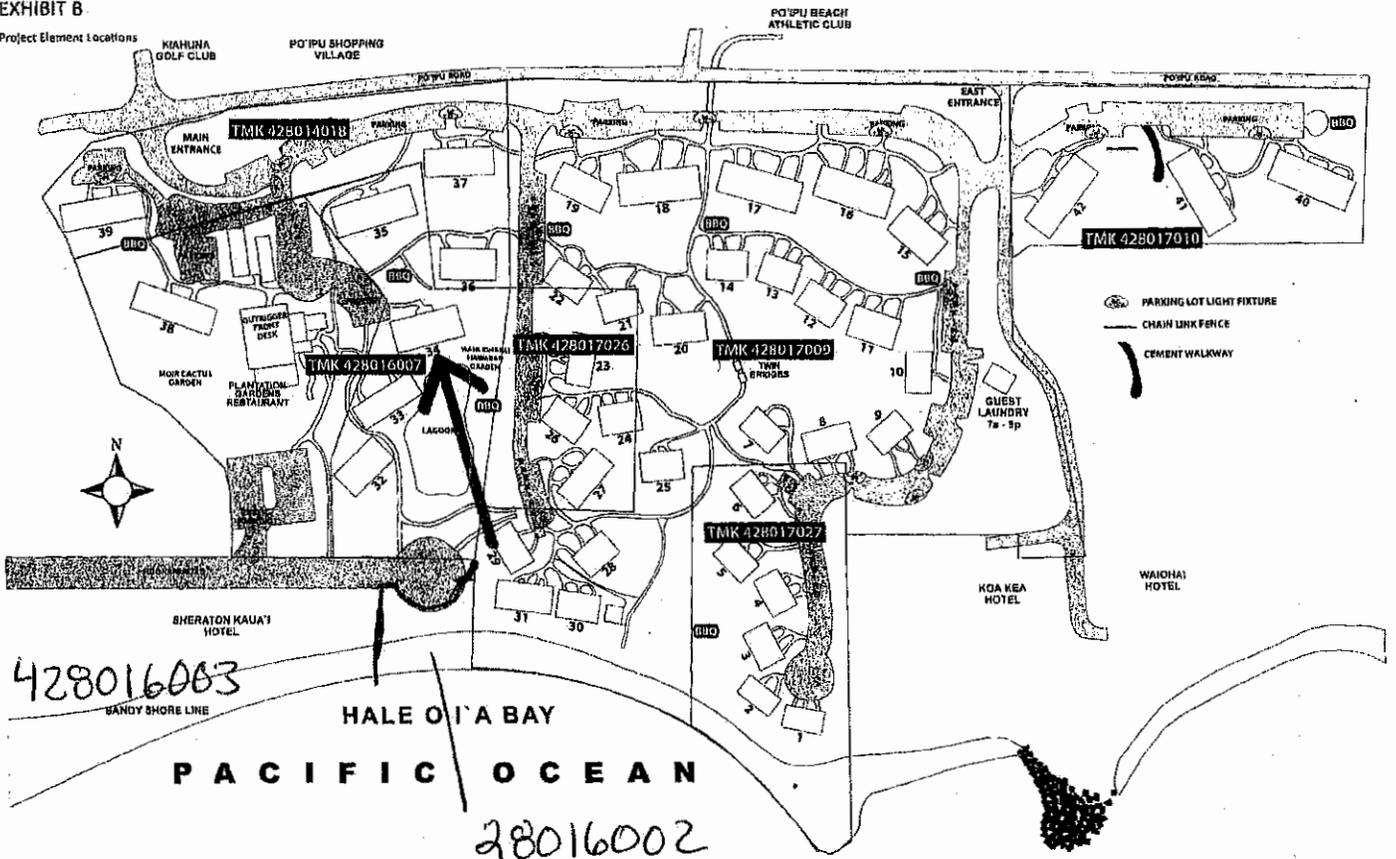
Lyle Tabata
Deputy County Engineer

SI/GO

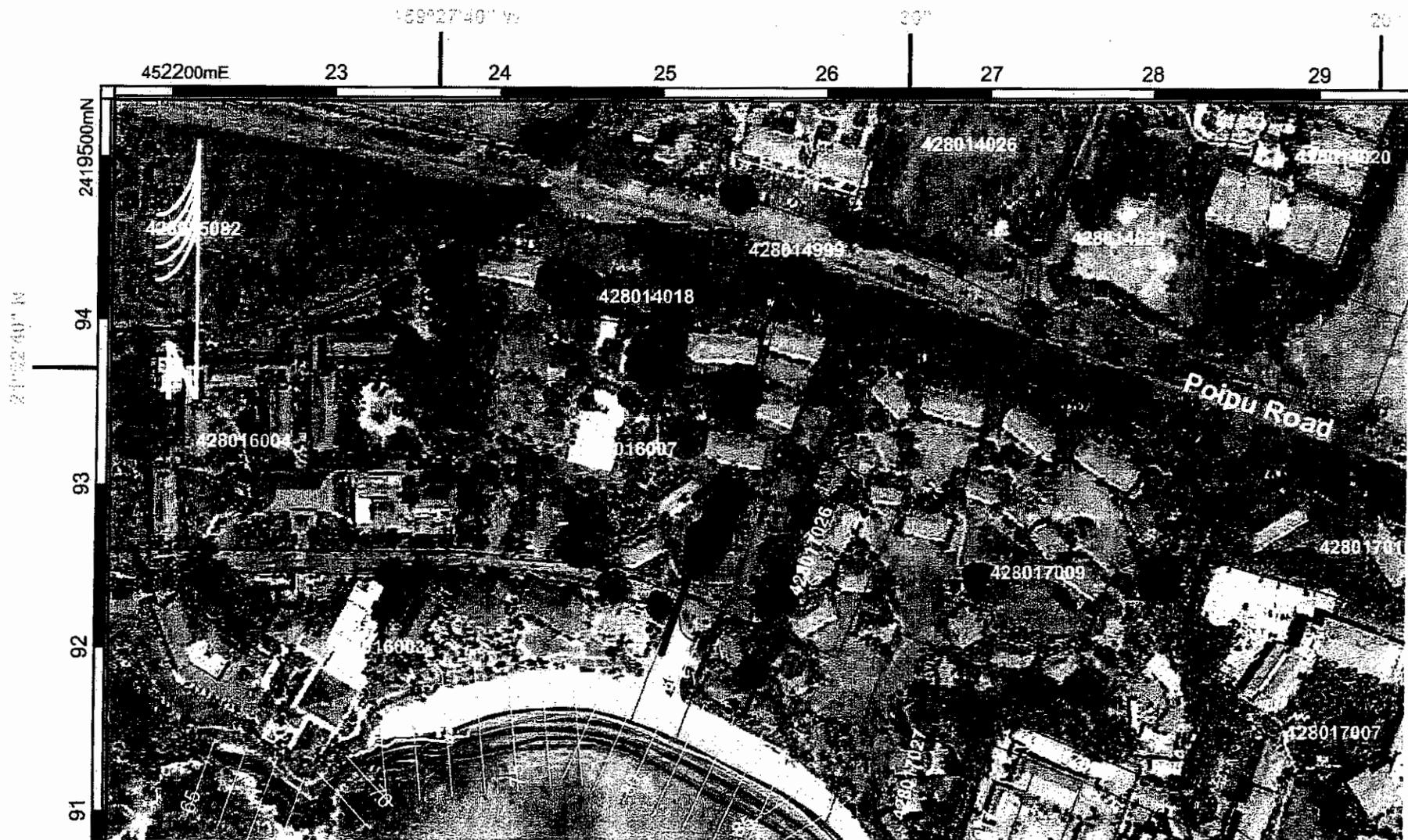
cc: Design and Permitting

EXHIBIT B

Project Element Locations

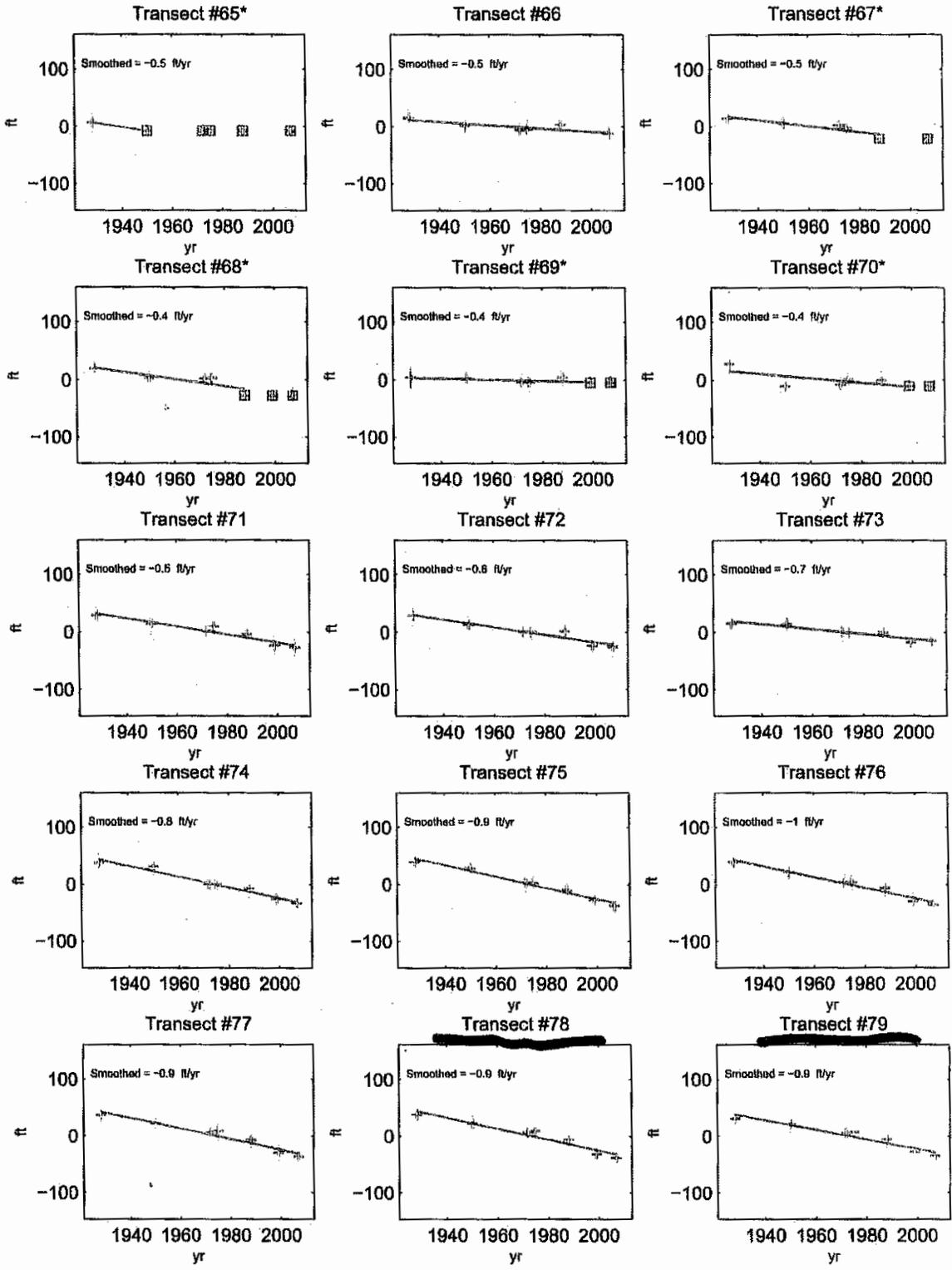


Poipu, Kauai

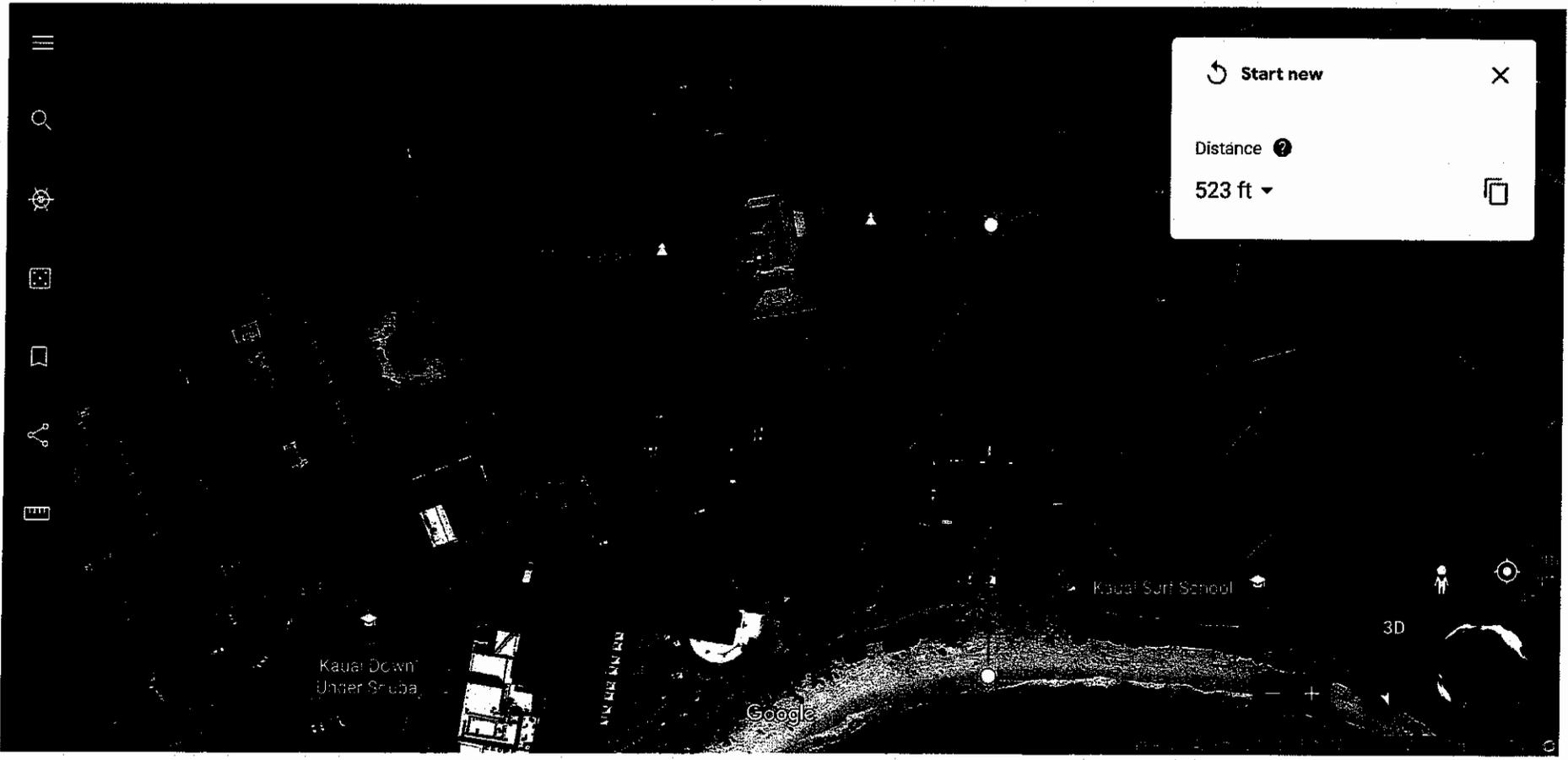


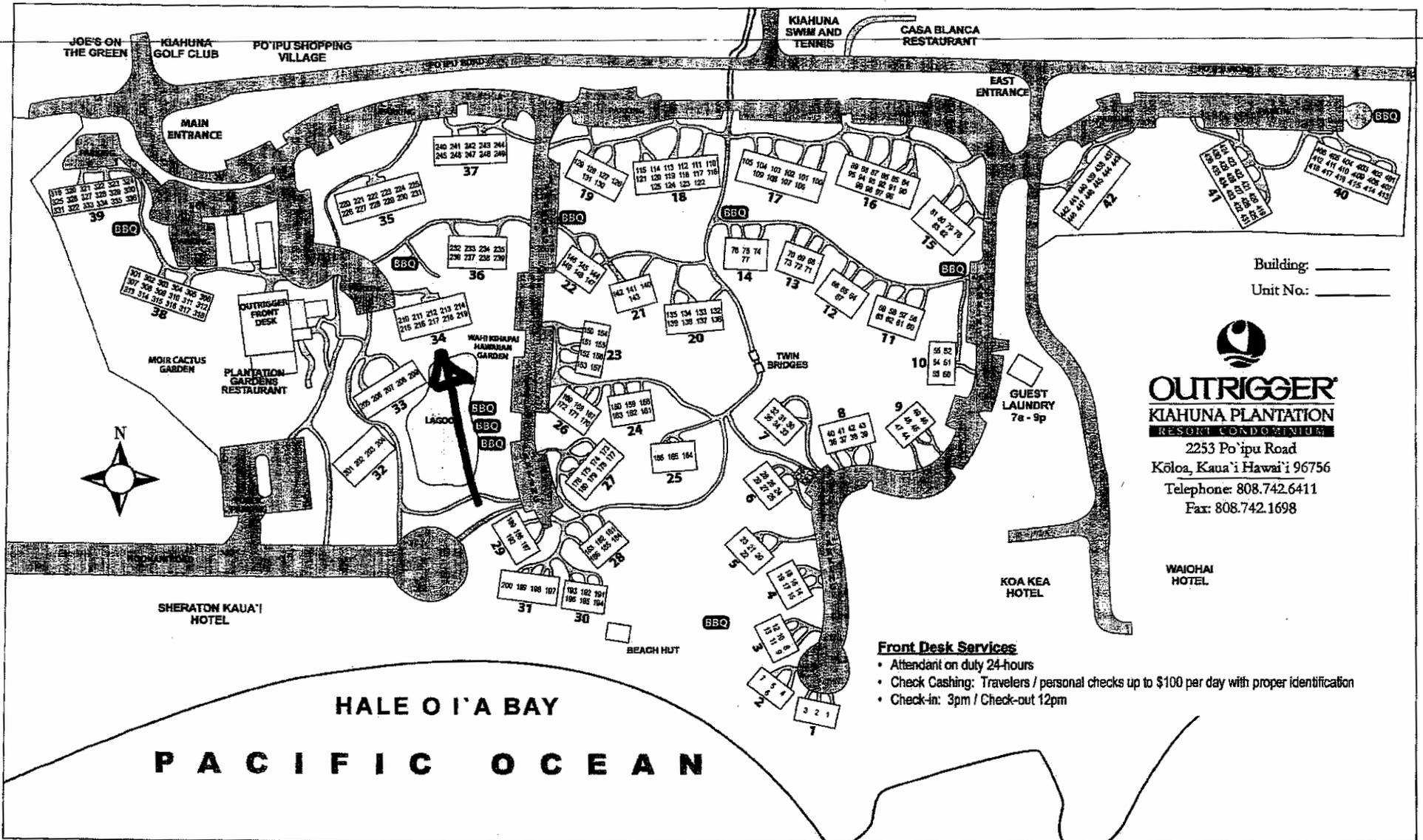
Poipu - Smoothed Shoreline Change Rates

Positive Rate = Accretion
Negative Rate = Erosion



*Hardened Shorelines with no beach are shown with a blue square. The analysis stops at the first hardened shoreline.





Building: _____
 Unit No: _____



OUTRIGGER
KIAHUNA PLANTATION
RESORT CONDOMINIUM

2253 Po'ipu Road
 Kōloa, Kauai, Hawaii 96756
 Telephone: 808.742.6411
 Fax: 808.742.1698

- Front Desk Services**
- Attendant on duty 24-hours
 - Check Cashing: Travelers / personal checks up to \$100 per day with proper identification
 - Check-in: 3pm / Check-out 12pm